

STATE OF VERMONT
PUBLIC SERVICE BOARD

CPG No. 831-R

Petition of USD CLEC, Inc. for Revocation of its)
Certificate of Public Good to Operate as a)
Telecommunications Provider in the State of)
Vermont)

Order entered: 10/8/2009

ORDER REVOKING CPG

I. INTRODUCTION

On June 12, 2006, the Vermont Public Service Board ("Board") granted USD CLEC, Inc. (the "Company") a Certificate of Public Good, CPG No. 831-R, to provide telecommunications services in Vermont. On June 5, 2009, the Company filed a letter with the Board stating that it does not conduct business in Vermont. Consequently, it stated, it wished to relinquish its authority to offer telecommunications services in Vermont.

On July 15, 2009, the Vermont Department of Public Service ("DPS") filed a letter with the Board stating that it had no objection to the Company's request.

The Board finds the reasons articulated by the Company in support of its request to be convincing. This finding, together with the fact that no opposition to the Company's filing has been registered with the Board, leads us to conclude that the Company's CPG should be revoked. While 30 V.S.A. §§ 102(c) and 231(a) require an opportunity for hearing before revocation of a CPG is allowed, we note that Rule 56 of the V.R.C.P. provides that where no genuine issue of material fact exists, a hearing is not necessary. We find that the requirements of V.R.C.P. Rule 56 are met in this case and, therefore, grant the Company's request without a hearing.

II. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that the Certificate of Public Good granted to USD CLEC, Inc. on June 12, 2006, is revoked.

DATED at Montpelier, Vermont, this 8th day of October, 2009.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

Filed: October 8, 2009

Attest: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us).

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.